

REMARKS/ARGUMENTS

Reconsideration is requested. By this amendment, claims 6 and 11 are canceled. Claims 1-5 and 7-10 are now pending in this application. Responsive to the Office Action of July 12, 2007, the Examiner's comments and the cited art have been noted and studied. For reasons to be set forth in detail below, it is respectfully submitted that the present application is in condition for allowance, and such action is requested.

Applicants appreciate and acknowledge the Examiner's recognition of allowable subject matter in claim 11. In response, independent claim 10 has been amended to incorporate all of the features and limitations of claim 11 and claim 11 has been canceled. Thus, no new matter is added by the amendment of claim 10. Claim 10 is, therefore, now in condition for allowance.

Claim 1 has been amended to incorporate the lock-stop feature of claim 6, and claim 6 has been canceled. Claim 1 has also been amended to recite that the floating probe is configured to engage the lock-stop to prevent movement of the floating probe during lancing of the target site bulge. This feature is recited in original claim 11 and in the original specification. Thus, no new matter has been added.

In view of the amendments to claim 1, the outstanding rejections of claims 1-10 under 35 USC 103(a) are obviated. The only reference of-record that shows a lock-stop feature is to Levin. Levin, however, discloses a lock-stop assembly that requires depression of a button to disengage an arm from a retaining hole, permitting actuation of the lancet. In contrast, the claimed embodiment of the present invention includes a lock-stop assembly that engages the floating probe to prevent movement of the floating probe during penetration of the target site bulge. For at least this reason, the references when taken as a whole, or individually, fail to recite each element and limitation of claim 1. Thus, the rejection of claim 1 and claims depending therefrom should be withdrawn.

Serial No. 10/690,083

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance and applicants earnestly solicit early examination on the merits and issuance of a Notice of Allowance. Should the Examiner believe that any additional information or amendment is necessary to place the application in condition for allowance, he is urged to contact the undersigned Attorney via telephone at 484-356-1794 or facsimile number 610-644-8717.

The Commissioner is hereby authorized to charge any required fees due in connection with this submission, including petition and extension of time fees, and to credit any overpayment to Deposit Account No. 10-0750 (Docket No. LFS5002USNP/WJ) (Johnson & Johnson).

Respectfully submitted,

/Wayne Jaeschke, Jr./

Dated: October 11, 2007

Wayne C. Jaeschke, Jr.
Reg. No. 38,503

Johnson & Johnson
International Patent Law Division
Attn: Philip Johnson
P.O. Box 1222
New Brunswick, NJ 08903
(484) 356-1794